

Amendments to Senate Bill No. 18
1st Reading Copy

Requested by Senator Bradley Hamlett

For the Senate Natural Resources Committee

Prepared by Joe Kolman
January 25, 2013 (9:07am)

1. Title, page 1, line 6.

Following: "AVULSION;"

Insert: "CREATING A PROCESS TO CLARIFY OWNERSHIP AFTER AN
AVULSION OF ABANDONED BEDS OF RIVERS AND STREAMS NOT
ADJUDICATED FOR TITLE;"

2. Title, page 1, line 7.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 77-1-103"

3. Page 1, line 12.

Strike: "bed of navigable"

4. Page 1, line 12 through line 13.

Strike: "Subject to" on line 12 through "if a navigable" on line
13

Insert: "If a"

5. Page 1, line 14.

Following: "avulsion"

Insert: "and if the segment of the river or stream where the
avulsion occurred has been adjudicated as navigable for
title purposes by a court of competent jurisdiction"

6. Page 1, line 22 through line 26.

Strike: "The department" on line 22 through "sale." line 26

Insert: "If the department determines that the new channel was
formed by an avulsion and the old channel is abandoned, the
department shall recommend to the board of land
commissioners that the state and the affected owner exchange
quitclaim deeds for the properties affected by the
avulsion."

7. Page 1, line 27.

Following: "the board"

Insert: "and the exchange of quitclaim deeds"

8. Page 2, line 1.

Strike: "board approves the transfer or sale"

Insert: "quitclaim deeds are exchanged"

9. Page 2, line 6 through line 7.

Strike: subsection (8) in its entirety

Insert: "(8)(a) If an avulsion occurs on a segment of a river or stream that has not been adjudicated as navigable for title purposes by a court of competent jurisdiction but the department determines that historic evidence exists that the segment of river or stream was navigable at the time of statehood, an owner may seek to clarify title to the property affected by the avulsion.

(b) To seek title clarification, the affected owner shall submit the information to the department as required by subsection (2).

(c) If the department determines that the new channel was formed by an avulsion and that the old channel is abandoned, the department shall recommend to the board that the board issue a disclaimer of interest for the abandoned channel.

(d) Upon approval by the board, the affected owner may cite the disclaimer of interest to support an ownership claim in a quiet title action filed in a district court.

(e) Upon obtaining a quiet title judgment on the abandoned channel, the affected owner shall notify the department of revenue and the clerk and recorder of the county in which the affected property is located of the change in ownership and submit any information necessary to update the applicable ownership records.

(f) The land constituting the old channel is subject to property taxation payable by the affected owner from the date of the quiet title judgement."

10. Page 2, line 8 through line 9.

Following: "section" on line 8

Insert: ", "

Strike: ":" on line 8 through "(a)" on line 9

11. Page 2, line 11 through line 13.

Strike: ";" on line 11 through "jurisdiction" on line 13

12. Page 2, line 16 through line 17.

Strike: "Except as" on line 16 through "2, the" on line 17

Insert: "The"

13. Page 2, line 19 through line 21.

Strike: subsection (a) in its entirety

ReNUMBER: subsequent subsections

14. Page 2, line 30 through page 3, line 1.

Following: "section" on line 30

Insert: ", "

Strike: ":" on page 2, line 30 through "(a)" on page 3, line 1

15. Page 3, line 1 through line 2.

Following: "over it" on line 1

Insert: "at the low water mark"

Strike: ":" on page 3, line 1 through "[section 1]" on line 2

16. Page 3, line 4 through line 14.

Strike: section 3 in its entirety

Renumber: subsequent sections

- END -